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SUBJECT: USAU: ASSISTANT SECRETARY CARSON'S CALL ON AU
DEPUTY CHAIRPERSON MWENCHA

Classified By: AMBASSADOR DONALD YAMAMOTO, REASONS 1.4 (B) AND (D)

¶1. (U) Summary: After meeting African Union Commission Chairperson Jean Ping on the margins of the AU Summit in Sirte several days earlier (SEPTEL), A/S Carson called on Deputy Chairperson Erastus Mwencha in Addis Ababa on July 6. Their discussion covered a range of issues, including structural changes in the African Union, Somalia, Sudan, Mauritania, and development issues and initiatives. End Summary.

¶2. (SBU) Deputy Chairperson Mwencha opened by asking A/S Carson about his trip to Nairobi in the wake of the AU Summit in Libya, specifically inquiring about the implementation of the Kofi Annan Agreement. A/S Carson said there are three legal options under consideration for addressing Kenya's post-election violence. A/S Carson stated that the courses of action include conventional pursuit via the International Criminal Court (ICC), the establishment of a Special Tribunal for Kenya, or a domestic tribunal. Contrary to previous indications that a decision would be taken by August, A/S Carson reported that Kofi Annan and Special Prosecutor Ocampo may have now decided to postpone a decision for 13 months.

On the Future of the African Union

¶3. (C) Responding to A/S Carson's request for a read-out on the recently concluded AU Summit in Sirte, Mwencha stated that the major outcome was the decision to transform the AU Commission (AUC) to the African Union Authority (SEPTEL). While Qadhafi's underlying objective of a United States of Africa can remain a goal, Mwencha suggested that the AUC would be guided by more practical motives. Mwencha said that having an AU Authority would allow Africa to speak with one voice in international fora, particularly on matters of foreign policy and security matters.

¶4. (C) Asked if the African Union Authority might reduce member nations' sovereignty in certain areas, Mwencha said the house was divided on how much executive power would be concentrated in the Authority and indicated that January's AU Summit in Addis would fine tune some of these contentious issues on mandate and the limits of power. Regardless of the decision in Sirte, Mwencha noted that implementation is contingent on ratification by all member states. Just drafting the instruments of ratification will likely take the AUC six months before being submitted for consideration to member nation legislative bodies. (Note: This effectively means that progress on this issue will take place after Qadhafi's term as chair of the AU has expired. End note.)

¶5. (C) There was also discussion of the creation of a defense portfolio, separate from that of peace and security. Mwencha indicated that this led to a spirited debate, with some recommending that defense be rolled into the peace and security portfolio, and others suggesting that this was too powerful a portfolio for any one elected official. Members also discussed the AU's budget, particularly with regard to peace operations which are funded almost exclusively by bilateral partners. Under review is the expansion of the AU's revenue collection to reduce reliance on foreign governments, including customs duties from member nations and collaboration with non-state actors.

¶6. (SBU) Another hotly debated issue was the integration of New Partnership for African Development (NEPAD) into the AU. Mwencha suggested that on one level the integration of NEPAD is complete, given that NEPAD's Chief Executive is already an employee of the AUC and reports to the Commission. On another level, however, the debate over whether NEPAD should be codified as an organ of the AU remains open.

Somalia

¶7. (C) Mwencha reported that Somalia featured prominently in the proceedings, and that there was heated debate on Eritrea's destabilizing role. Over Qadhafi's objection, the Assembly accepted the recommendation of the Peace and Security Council for sanctions on Asmara.

¶8. (C) A/S Carson expressed satisfaction with IGAD's

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resolution and reported that he had met with League of Arab States Secretary General Amr Musa on the margins of the Summit in Sirte (SEPTTEL). Mwencha agreed with Carson's characterization that Somalia is extraordinarily critical and poses a threat to the entire region. Somali refugees are overwhelming their neighbors, unregulated merchandise entering Somali ports is undermining regional economies, illegal weapons and munitions are fueling crime and insurgency, and Somalia's internal conflict has now become a proxy battleground for Eritrea and Ethiopia.

¶9. (C) Summit participants discussed expanded rules of engagement (ROE) for AMISOM, the need for additional troops, and cutting al-Shabaab's supply lines by blockading the port of Kismayo. Mwencha also reported that the Assembly validated the Djibouti Process, rejecting Eritrea's position that the Transitional Federal Government is flawed and its request to scrap Djibouti and start over.

¶10. (C) A/S Carson reminded Mwencha that there would likely be at least one UNSC meeting on Somalia this month addressing expansion of the AMISOM mandate and the possibility that neighboring countries (except Ethiopia and Eritrea) might contribute troops to AMISOM. The Council may also consider a naval blockade of Kismayo and a no-fly zone, however this mandate would apply to the AU and IGAD but allow for assistance from other like-minded UN member nations. Carson stated that the AUC's position would be taken into account as the USG formulates its policy in advance of the UNSC meetings. Mwencha tasked his senior aides to respond through USAU to A/S Carson's request. The Somalia issue was discussed in several of Carson's other bilateral meetings in Sirte (SEPTTELs).

Bashir and the ICC

¶11. (C) Mwencha claimed that AU member nations are not against the ICC, but are concerned about the court's processes and the timing of the indictment against Sudanese President Bashir. Former President Mbeki's ongoing political initiative, African peacekeepers deployed in Darfur, and the critical juncture for the Comprehensive Peace Agreement all

argue for postponement of the indictment, said Mwencha, echoing the familiar refrain of many USAU interlocutors to not sacrifice peace for justice. Mwencha reiterated that the AU's position is not to condone impunity and revealed that the Assembly had rebuked Bashir in closed session for not doing enough to stabilize Darfur. (Note: A few members called for Africa's total rejection of the ICC, but did not carry the day. End note.)

On Mauritania's Return to the Fold

¶12. (C) A/S Carson questioned whether the AU's decision to allow Mauritania to take its seat at the AU was premature and might set a bad precedent for other nations whose processes for the return to democracy were incomplete (e.g. Madagascar and Zimbabwe). Mwencha reported that while there had been spirited debate in Sirte, the AU ultimately decided that its prerequisite of returning Mauritania to constitutional order had been met, and that it would be inappropriate to impose new conditions on the junta. That said, Mwencha indicated that the AU is prepared to resume sanctions should Mauritania's elections not be free and fair.

Food Security, Climate Change, and Development Issues

¶13. (SBU) Mwencha opined that Africa must adapt its food production techniques or remain dependent on food aid. A/S Carson informed the Deputy Chairperson that soon the Obama Administration will announce a major food security initiative, agreeing that agriculture must be a driver for sustainable development. Mwencha expressed appreciation for food security initiatives begun under the Bush Administration and satisfaction that they would be improved and expanded. He recommended that the Comprehensive Africa Agriculture Development Program (CAADP) would be a useful vehicle for the proposed USG agricultural initiatives.

¶14. (SBU) On genetically-modified organisms, Mwencha lamented

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that Africa is caught in the crossfire in a trade war between the United States and Europe.

¶15. (SBU) On climate change, Mwencha indicated that the AU is endeavoring for a common position in advance of the climate change summit in Copenhagen in December and is anxious to know the USG position.

¶16. (SBU) Mwencha expressed hope that A/S Carson's commitment to strengthening regional organizations would include transformation of the Africa Growth and Opportunity Act (AGOA). Per Mwencha, AGOA should not be a "unilateral" initiative, but rather expanded so that regional economic communities can also participate and benefit. He also suggested that AGOA be codified, saying that its lack of permanence means that it is not as investor-friendly, predictable, or transparent as it should be. Mwencha also put in a plug for increased direct transportation links from Africa to the United States.

¶17. (SBU) Later in the conversation Mwencha pointed out that USG activities in Africa tend to be bilateral, specifically mentioning the Millennium Challenge Account (MCA). He advocated that MCA core activities should also be opened to regional communities.

Extraordinary Summit on Peace and Security

¶18. (SBU) While the next scheduled summit will be in Addis in January 2010, Qadhafi reportedly prevailed on the Assembly to hold an extraordinary meeting on peace and security. This extraordinary summit will be held in Libya on the eve of the 40th Anniversary of the Revolution, or September 8.

(Comment: This is clearly another clumsy attempt by Qadhafi to impose himself as the King of Kings, showcase Sirte as the capital of a future United States of Africa, and coopt fellow heads of state in his national day celebrations. End comment.)

Counternarcotics Collaboration with AFRICOM

¶19. (SBU) Mwencha also mentioned the growing scourge of narcotics, particularly the use of West Africa as a transshipment point and its toxic effect on governments, and added that this phenomenon could expand to other regions of Africa. He appealed to United States Africa Command (AFRICOM) for collaboration in counternarcotics.

¶20. (U) A/S Carson has approved this cable.
YAMAMOTO